



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Dutta**

Serial No.: 09/726,269

Filed: November 30, 2000

For: **System and Method for Displaying
Content Without Control Items**

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Group Art Unit: **2179**

Examiner: **Chuong, Truc T.**

Attorney Docket No.: **AUS920000774US1**

**Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 4, 2006.

By: _____

Dell Whitton
Dell Whitton

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

OFFICE ACTION NOT RECEIVED

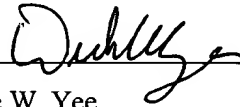
I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received. I hereby state: (a) the Office Action indicated on the USPTO Patent Information Retrieval System, as mailed on June 2, 2005, was not received; and (b) a search of the file jacket and the docket records in my office indicates that this Office Action was not received.

I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. As additional evidence of non-receipt of the Office Action, I also attach a statement from the person who would have handled the Office Action had it been received.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the Office Action as mailed on June 2, 2005, be re-dated and mailed so that our office can respond in a timely manner.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Duke W. Yee', is written over a horizontal line.

Duke W. Yee
Reg. No. 34,285
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
972/385-8777
Attorney for Applicant



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AFFIDAVIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Monica Gamez, being of sound mind and legal age, and fully aware of the punishable nature of making untrue statements as Affiant herein, do hereby attest to personal knowledge of the following:

I am employed by the law firm of Yee & Associates, P.C. (the "Firm"), as a Legal Assistant, in which capacity I personally receive all client related materials requiring further action and docketing on behalf of the Firm and IBM Corporation (the "Client").

On the mailing date of the Office Action in question, June 2, 2005, I was employed full time by the Firm and have no record of receipt of said Office Action. The Firm received a telephone call from the Examiner inquiring of the status of the response to the June 2, 2005 office action. At that time, I immediately contacted the Client to inform them of this situation and to ask if they had received a copy of the Office Action instead. They notified me that they had not received the Office Action.

When an office action is received, I enter the office action on the Firm's master docket and also enter the office action on the Firm's internal docketing system which produces the Case History Report attached hereto. Receipt of the office action is neither indicated on the Case History Report nor on the case file index.

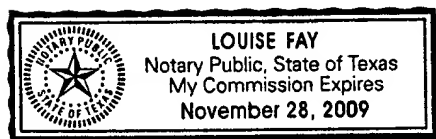
Sworn to and attested as follows at Dallas, Texas on Wednesday, January 4, 2006:

AFFIANT:

Monica Gamez
Monica Gamez

On this the 4th day of January, 2006, personally appeared before me Monica Gamez, to me known to be the person named in and who executed the above instrument, and acknowledged that she executed the same for the uses and purposes therein mentioned.

Louise Fay
Notary Public
My commission expires: 11/28/2009



(seal)



Case Tracking System Case History Report

Date: JAN 09 2006

U.S. Patent Case

Case Number: **AUS920000774US1**
Priority Case Number: (none)
Client: IBM Corporation - Austin

Status: **Pending**

Application Serial Number: 09/726,269
Application Type: Utility
Title: System and Method for Displaying Content Without Control Items
Sr. Attorney Id: DWY Primary Attorney Id: (none)
Last Office Action
 Date Due: 2/16/2005
 Date Sent: 2/16/2005
 Date Recvd in PTO: 2/16/2005

Filing Date: 11/30/2000
Administrator Id: KDD
Date Mailed by PTO: 11/16/2004
Last Date to File: 5/16/2005

Item	Due	Completed
File New Application-USA		11/30/2000
Office Action Received-USA	4/25/2003	4/25/2003
Response Sent-USA	7/25/2003	7/23/2003
Office Action Postcard Due-USA	8/23/2003	Received
Office Action Received-USA	10/22/2003	10/22/2003
Final OA Response Sent-USA	12/22/2003	12/15/2003
Notice of Appeal Postcard due-USA	1/15/2004	Received
Office Action Postcard Due-USA	1/15/2004	Received
Notice of Appeal Due-USA	1/22/2004	12/15/2003
Appeal Brief Due-USA	2/17/2004	2/3/2004
Appeal Brief Postcard Due-USA	3/3/2004	Received
Office Action Received-USA	4/23/2004	4/23/2004
Response Sent-USA	7/23/2004	7/20/2004
Office Action Postcard Due-USA	8/20/2004	Received
Office Action Received-USA	11/16/2004	11/16/2004
Response Sent-USA	2/16/2005	2/16/2005
Office Action Postcard Due-USA	3/16/2005	Received
Receive Next Office Action-USA	6/16/2005	



IBM CORPORATION
AUS920000774US1

**SYSTEM AND METHOD FOR DISPLAYING CONTENT WITHOUT CONTROL
ITEMS**

1.	PATENT APPLICATION	11/30/00
2.	FILING RECEIPT	11/30/00
3.	NOTICE OF RECORDATION	11/30/00
4.	NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE	05/06/02
5.	OFFICE ACTION	04/25/03
6.	RESPONSE TO OFFICE ACTION	07/23/03
7.	FINAL OFFICE ACTION	10/22/03
8.	NOTICE OF APPEAL	12/15/03
9.	APPEAL BRIEF	02/03/04
10.	OFFICE ACTION	04/23/04
11.	RESPONSE TO OFFICE ACTION	07/20/04
12.	NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE	08/05/04
13.	NOTICE OF PUBLICATION	10/14/04
14.	OFFICE ACTION	11/16/04
15.	RESPONSE TO OFFICE ACTION	02/16/05



AAE
yhw

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By:

Dell Whitton

Dell Whitton

35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

TRANSMITTAL DOCUMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ENCLOSED HEREWITH:

- Petition to Withdraw Holding of Abandonment;
- Affidavit of Monica Gamez, Legal Assistant;
- Copy of Case History Report;
- Copy of case file index; and
- Our return postcard.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Duke W. Yee

Duke W. Yee

Registration No. 34,285

YEE & ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEY FOR APPLICANT